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| ZECHER, MICHAEL R | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,081

Applicant(s)

LANGRIDGE, PHILIP S.

Examiner

MICHAEL R. ZECHER

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 1-25, 27, 31, 32, 38 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26, 28-30, 33-37, 39, and 41-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/4/07, 2/4/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a final Office Action on the merits. The amendment received December 10, 2007, has been entered. **Claims 1-25** have been cancelled. **Claims 26-50** have been added. The amendment received on February 4, 2008, has been entered. **Claims 27, 31-32, 38, & 40** have been cancelled. **Claims 26, 28-30, 33-37, 39, & 41-50** have been amended.

Claim Objections

2. **Claims 43-47 & 49-50** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
3. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 29** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29 recites "...a futures..." in the second line and "...a debt..." in the third line. It is unclear what applicant means by "a futures" and "a debt." Clarification is required. For examination purposes, the Examiner has construed the limitation as --a futures contract and a debt instrument--.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 26, 28-30, 33-35, 37, 39, & 41-50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Martyn et al. (U.S. 6,195,647), and further in view of Lutnick et al. (U.S. 2004/0158519).

As per claim 26, Martyn et al. teaches a method comprising:

selecting a quadrant from a plurality of quadrants (See column 11, lines 43-44, which discusses displaying a selected portion of securities), in which the selected quadrant comprises a portion of a customizable display (See column 1, lines 53-58, which discusses customizing a trading display) and the selected quadrant comprises a

benchmark instrument (See figure 4, #4024, which illustrates the inside quote for a specific security);

retrieving market data for the selected benchmark instrument and the plurality of non-benchmark instruments (See column 5, lines 51-56, which discusses receiving market data in real time); and

generating the customizable display (See column 1, lines 53-58, which discusses customizing a trading display),

However, Martyn et al. does not disclose retrieving a plurality of non-benchmark instruments, in which each non-benchmark instrument shares at least one variable in common with the benchmark instrument, and in which the benchmark instrument comprises a first type of instrument, and in which the one of the plurality of non-benchmark instruments comprises a second type of instrument; and

in which the customizable display comprises the selected quadrant and a plurality of other quadrants, and the selected quadrant comprises the retrieved market data for the benchmark instrument and the plurality of non-benchmark instruments.

Lutnick et al. discloses systems and methods for a trading interface with advance features (See abstract).

Both Martyn et al. and Lutnick et al. disclose customized trading displays for financial instruments. Lutnick et al. discloses non-benchmark issues that are related to the benchmark issue (See paragraph 60 and claim 12, which discusses how the non-benchmark issues relate to the benchmark issue), the correlation between bonds and futures contracts (See paragraph 62, which discusses the interplay between bonds and

futures contracts), and a compilation of quadrants (See figure 4, which illustrates four quadrants, including a selected quadrant). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include non-benchmark instruments related to a selected benchmark instrument, the benchmark instrument and non-benchmark instruments make up different financial instruments, and displaying the market data in quadrants as taught by Lutnick et al. in order to allow a trader to user various trading interfaces to create orders, manipulate orders, cancel orders, cycle through multiple issues, obtain trading information more relevant than limit price stacks, or efficiently buy or sell items inside or within a spread market (See paragraph 12).

As per claim 28, Martyn et al. does not disclose that a second one of the plurality of non-benchmark instruments comprises a third type of instrument.

Lutnick et al discloses non-benchmark issues that are related to the benchmark issue (See paragraph 60 and claim 12, which discusses how the non-benchmark issues relate to the benchmark issue) and how the securities and other financial instruments, such as stock or currency, may be incorporated (See paragraph 24, which discusses how the trading is not limited to fixed income related instruments, but includes securities and other financial instruments). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include non-benchmark instruments, whereby the non-benchmark instruments make up different instruments, as taught by Lutnick et al. in order to allow a trader to user various trading interfaces to create orders, manipulate orders, cancel orders, cycle through

multiple issues, obtain trading information more relevant than limit price stacks, or efficiently buy or sell items inside or within a spread market (See paragraph 12).

As per claim 29, Martyn et al. teaches that at least one of the first type of instrument, the second type of instrument and the third type of instrument comprises at least one of: a bond, [a futures], a stock, [a debt], an equity and another type of instrument (See column 3, lines 36-43, which discusses securities).

As per claim 30, Martyn et al. teaches that receiving a request for displaying the selected quadrant and the plurality of other quadrants of the customizable display in accordance to a layout (See column 4, lines 52-67, and column 7, lines 23-57, which discusses customizing a trading display, including removing windows, updating windows, and adding windows).

As per claim 33, Martyn et al. teaches:

receiving a request to replace the benchmark instrument with a second benchmark instrument, in which the benchmark instrument is associated with the selected quadrant (See column 5, lines 62-67, which discusses how a user types the name of a security in a text box in order to create a new window);

selecting a second quadrant, in which the second quadrant comprises the second benchmark instrument (See figure 4, and column 5, line 57, through column 6, line 22, which illustrates and discusses how the NASDAQ workstation software fills in various information to create a new display);

removing the selected quadrant from a position in the customizable display (See column 4, lines 52-67, and column 7, lines 24-34, which discusses how a user selects the Dynamic Quote Setup window by using a Window list box); and

updating the customizable display to include the second quadrant, in which the second quadrant is located in the position that was formerly occupied by the removed quadrant (See column 1, lines 53-58, column 4, lines 52-67, and column 7, lines 23-57, which discusses customizing a trading display, including removing windows, updating windows, and adding windows).

As per claim 34, Martyn et al. teaches:

receiving a request to add a third benchmark instrument to the customizable display (See column 5, lines 62-67, which discusses how a user types the name of a security in a text box in order to create a new window);

selecting a third quadrant, in which the third quadrant comprises the third benchmark instrument (See figure 4, and column 5, line 57, through column 6, line 22, which illustrates and discusses how the NASDAQ workstation software fills in various information to create a new display); and

updating the customizable display in which the customizable display comprises the third quadrant and the plurality of other quadrants that were previously displayed on the customizable display, in which a size of each of the other quadrants is decreased in order to accommodate the size of the third quadrant (See column 4, lines 52-67, and column 7, lines 23-57, which discusses customizing a trading display, including removing windows, updating windows, and adding windows).

As per claim 35, Martyn et al. teaches market depth (See column 9, lines 46-54, and claim 12, which discusses bid and offer market depth).

However, Martyn et al. does not disclose that each non-benchmark instrument comprises a market depth, in which the market depth of each non-benchmark instrument comprises a quantity of different prices that are available for each non-benchmark instrument.

Lutnick et al discloses non-benchmark issues that are related to the benchmark issue (See paragraph 60 and claim 12, which discusses how the non-benchmark issues relate to the benchmark issue). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include the market depth of non-benchmark instruments as taught by Lutnick et al. in order to allow a trader to user various trading interfaces to create orders, manipulate orders, cancel orders, cycle through multiple issues, obtain trading information more relevant than limit price stacks, or efficiently buy or sell items inside or within a spread market (See paragraph 12).

As per claim 37, Martyn et al. teaches determining market depth (See column 9, lines 46-54, and claim 12, which discusses bid and offer market depth) and status indicators (See column 5, lines 9-29, which discusses a system status window and a status indicator area).

However, Martyn et al. does not expressly disclose:

determining that the market depth of one of the plurality of the non-benchmark instruments exceeds a threshold;

transmitting an indication that the market depth of one of the plurality of the non-benchmark instruments exceeds the threshold; and

receiving, in response to the transmitted indication that the market depth exceeds the threshold, a request to exchange the benchmark instrument with one of the plurality of non-benchmarks instruments.

Lutnick et al. discloses non-benchmark issues that are related to the benchmark issue (See paragraph 60 and claim 12, which discusses how the non-benchmark issues relate to the benchmark issue). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include evaluating the depth of the market of non-benchmark instrument in relation to a benchmark instrument, use a status indicator to determine if a threshold or point is exceeded, and if so, change benchmark instruments as taught by Lutnick et al. in order to combine the know features of status indicators and market depth to achieve the predictable result of monitoring market depth in relation to a reference point.

As per claim 39, Martyn et al. teaches determining market depth (See column 9, lines 46-54, and claim 12, which discusses bid and offer market depth) and status indicators (See column 5, lines 9-29, which discusses a system status window and a status indicator area).

However, Martyn et al. does not disclose:

determining that the market depth of one of the plurality of non-benchmark instruments exceeds a threshold; and

generating an identifiable graphical user interface (GUI) element that indicates the market depth exceeds the threshold, in which the GUI element is displayed on the customizable display.

Lutnick et al. discloses non-benchmark issues that are related to the benchmark issue (See paragraph 60 and claim 12, which discusses how the non-benchmark issues relate to the benchmark issue). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include evaluating the depth of the market of non-benchmark instrument in relation to a benchmark instrument and using a status indicator to determine if a threshold or point is exceeded as taught by Lutnick et al. in order to combine the know features of status indicators and market depth to achieve the predictable result of monitoring market depth in relation to a reference point to determine if a threshold is exceeded.

As per claim 41, Martyn et al. teaches determining market depth (See column 9, lines 46-54, and claim 12, which discusses bid and offer market depth) and status indicators (See column 5, lines 9-29, which discusses a system status window and a status indicator area).

However, Martyn et al. does not disclose:

determining that the market depth of one of the plurality of non-benchmark instruments is less than a threshold; and

generating an identifiable graphical user interface (GUI) element that indicates the market depth is less than the threshold, in which the GUI element is displayed on the customizable display.

Lutnick et al. discloses non-benchmark issues that are related to the benchmark issue (See paragraph 60 and claim 12, which discusses how the non-benchmark issues relate to the benchmark issue). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martyn et al. to include evaluating the depth of the market of non-benchmark instrument in relation to a benchmark instrument and using a status indicator to determine if a threshold or point is satisfied as taught by Lutnick et al. in order to combine the know features of status indicators and market depth to achieve the predictable result of monitoring market depth in relation to a reference point to determine if a threshold is satisfied.

As per claim 42, Martyn et al. teaches a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to perform (See figure 1, which illustrates a hardware system architecture, including a central computer containing a processing unit/memory).

As per claim 48, Martyn et al. teaches:

a processor; and

a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to perform (See figure 1, which illustrates a hardware system architecture, including a central computer containing a processing unit/memory).

8. **Claim 36** is rejected under 35 U.S.C. 103(a) as being unpatentable over Martyn et al. (U.S. 6,195,647), in view of Lutnick et al. (U.S. 2004/0158519), and further in view of Official Notice.

As per claim 36, the Martyn et al. and Lutnick et al. combination does not disclose that the market depth comprises a value between 1 and 10.

The Examiner takes Official Notice that is old and well known in the art to assign arbitrary numbers to respective values. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Martyn et al. and Lutnick et al. combination to include assigning respective values to market depth to represent a value between 1 and 10 in order to provide a statistical depiction of the relative size of an order needed to move the market a given amount.

Response to Arguments

9. Applicant's arguments with respect to cancelled **claims 1-25** have been considered but are moot in view of the new grounds of rejection.

Conclusion

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. ZECHER whose telephone number is (571)270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art
Unit 3691

MRZ

